

Hasheem Boudjerada

Boudjerada v City of Eugene

May 5, 2022



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

HASHEEM BOUDJERADA; DAMON) No. 6:20-cv-1265-MK
COCHRAN-SALINAS; ERIN GRADY;)
TYLER HENDRY; and KIRTIS)
RANESBOTTOM,)
Plaintiffs,)
v.)
CITY OF EUGENE; SARAH MEDARY;)
WILLIAM SOLESBEE; SAMUEL STOTTS;))
BO RANKIN; TRAVIS PALKI; MICHAEL)
CASEY; RYAN UNDERWOOD; CRAIG)
WRIGHT; CHARLES SALSBURY; and)
CHIEF CHRIS SKINNER,)
Defendants.)

DEPOSITION OF HASHEEM BOUDJERADA

May 5, 2022, Thursday

3:00 P.M.

THE DEPOSITION OF HASHEEM BOUDJERADA was
taken at CC Reporting & Videoconferencing, 101 East
Broadway, Suite 300, Eugene, Oregon, before Eleanor
Knapp, RPR-CSR, Certified Shorthand Reporter in and
for the State of Oregon.

APPEARANCES

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Reported by: Eleanor Knapp, RPR-CSR

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Salsbury's and Skinner's First

Request for Production

Second Request for Production

1 HASHEEM BOUDJERADA,
2 having been first duly sworn to testify the truth,
3 the whole truth, and nothing but the truth, was
4 examined and testified as follows:

6 EXAMINATION

7 BY MR. MILLER:

8 Q. Good afternoon. My name is Ben Miller.
9 I'm one of the attorneys for the defendants in this
10 case. I deposed you earlier, I think back in
11 September. Do you remember that?

12 A. Yeah, like last year.

13 Q. Yes. And please correct me, it's
14 pronounced Boudjerada?

15 A. Boudjerada, yeah.

16 Q. I will do my best. So thank you for
17 coming out today. You understand the deposition
18 today is sort of limited to allegations and defenses
19 and claims regarding some newly added defendants.
20 Do you understand that?

21 A. Yes.

22 Q. So we are not going to repeat everything
23 that happened before. At your last deposition, I
24 gave you some instructions or talked through the
25 rules of the deposition. Do you remember that at

1 all?

2 A. Vaguely. I feel like I can -- I'll be
3 okay.

4 Q. Do you want me to go through them again?

5 A. If you want to.

6 Q. I'm happy to, just so it's clear. Sure.

7 A. Yeah.

8 Q. So you were put under oath today. It's
9 the same oath that you would be put under if you
10 testify later at court. Do you understand that?

11 A. Yes.

12 Q. So there's a couple of ways that I can use
13 this deposition. You see that there's a court
14 reporter who is taking down a written transcript of
15 my questions and your answers. Do you understand
16 that?

17 A. Yes.

18 Q. And I can use that transcript as direct
19 evidence rather than calling you as a witness to say
20 this is what Mr. Boudjerada would testify to. Do
21 you understand that?

22 A. Yeah.

23 Q. And I can also use it as impeachment if I
24 think that you tell me something today that's
25 inconsistent with something you testify to later on.

1 Do you understand that?

2 A. Yes.

3 Q. And so for that reason, you know, I want
4 your best answers from your own personal knowledge.
5 But if I ask a question that you don't understand or
6 you want me to clarify it, please do that. Is that
7 okay?

8 A. Yes.

9 Q. You are doing a really good job of it. We
10 need to make sure we are not speaking over each
11 other, and we try to speak slowly so the court
12 reporter can take everything down. Okay?

13 A. Sounds good.

14 Q. Anything that would impact your ability to
15 participate in the deposition today?

16 A. Not that I'm aware of.

17 Q. I just want to get an update on -- I don't
18 have your -- in front of me. Since September of
19 last year, have you changed residences?

20 A. Should be 4995 Whiteaker Street. I
21 believe it's the same.

22 Q. And that's your residence now?

23 A. Yes.

24 (Deposition Exhibit Number 1
25 marked for identification.)

1 BY MR. MILLER:

2 Q. All right. I'm going to hand you what's
3 marked as Exhibit 1. And do you recognize this at
4 least generally as the Second Amended Complaint in
5 this case?

6 A. I believe so, yeah.

7 Q. And at a high level, the changes in this
8 complaint from the one that we were here about
9 before were to add three new defendants and some
10 allegations related to them: Craig Wright, Charles
11 Salsbury, and Chief Skinner. Do you understand
12 that?

13 A. Yes.

14 Q. And my understanding is that you yourself
15 are not bringing a claim against Craig Wright. Is
16 that correct?

17 A. Not that I'm aware of, no.

18 Q. Do you agree that you are not bringing
19 that claim?

20 A. Yeah. I don't know who that is
21 specifically.

22 Q. So your claims are against -- the new
23 claims are against Charles Salsbury and Chief
24 Skinner. Correct?

25 A. I think so.

1 Q. I'm not trying to trip you up.

2 A. I'm just, yeah, nervous.

3 Q. Sure. All right. I want to talk about
4 some of the new allegations in here. If you could
5 turn to page 7 of that document? If you would look
6 at just the paragraph numbered 27 and read that to
7 yourself and let me know when you're done.

8 A. Okay.

9 Q. Have you ever met Lieutenant Salsbury?

10 A. I don't recall. If I had, it would have
11 been here in the deposition. Other than that, no.

12 Q. So have you ever -- other than if he was
13 present at a deposition, have you ever seen
14 Lieutenant Salsbury?

15 A. Not that I can remember.

16 Q. Have you ever spoken with Lieutenant
17 Salsbury?

18 A. No.

19 Q. Have you ever heard Lieutenant Salsbury
20 speak to anybody else?

21 A. Not that I remember. Not that I know
22 specifically, if you know what I mean.

23 Q. Sure. What personal information do you
24 have about Lieutenant Salsbury's actions on May 31st
25 of 2020?

1 A. None.

2 Q. What did you say?

3 A. Nothing. Personally.

4 Q. If you look at paragraph 27, I'm
5 summarizing here, but it indicates that Lieutenant
6 Salsbury authorized arrests. Do you see that?

7 A. Yes.

8 Q. What did Lieutenant Salsbury do to
9 authorize arrests?

10 A. I'm assuming what you said, he authorized
11 it.

12 Q. Do you know any more detail than that?

13 A. No.

14 Q. And what did -- under paragraph 27, what
15 did Lieutenant Salsbury do to authorize use of force
16 directly or through delegation?

17 A. What do you mean?

18 Q. If we look at paragraph 27 of your
19 complaint, it says -- and I'm summarizing -- but
20 that Lieutenant Salsbury authorized the use of force
21 directly and through delegation. Do you see that in
22 paragraph 27?

23 A. Yes.

24 Q. And all I want to know is, what
25 information do you have about that? What did he do

1 to do that?

2 A. I don't know.

3 Q. All right. If you could look at
4 paragraph 28 and read that to yourself.

5 A. Okay.

6 Q. Have you ever met with Chief Skinner?

7 A. No.

8 Q. Have you ever seen Chief Skinner?

9 A. I mean, I've seen him.

10 Q. When was that?

11 A. I mean, I feel like I've seen him probably
12 on KVAL and then, like, YouTube videos and stuff
13 relating to it.

14 Q. And maybe I'll try to be more specific.
15 So for the events that we are here about, that
16 weekend in May of 2020, did you ever see Chief
17 Skinner that weekend?

18 A. Not that I recall, no.

19 Q. Have you yourself ever spoken with Chief
20 Skinner?

21 A. No.

22 Q. Have you ever heard Chief Skinner speak?

23 A. No.

24 Q. Other than -- other than news reports?

25 A. No.

1 Q. What information do you have about Chief
2 Skinner's actions on May 31st, 2020?

3 A. All I know is that he authorized the
4 arrests and, you know, the use of all the stuff that
5 happened that night.

6 Q. And without telling me any privileged
7 information, how do you know that?

8 A. Through my attorney.

9 Q. And I don't want to know what the
10 conversation was, but what did Chief Skinner do or
11 say to authorize arrests?

12 A. I don't know specifically what he did, but
13 from my understanding he is the chief of police. So
14 he authorized it because it was chain of command
15 kind of thing.

16 Q. Anything else?

17 A. No.

18 Q. What did Chief Skinner do to authorize
19 uses of force on May 31st, 2020?

20 A. I'm not sure how he would go about that.

21 Q. If we could, turn to page 14. If you
22 would look at the bottom of paragraph 76 and read
23 that to yourself.

24 A. Okay.

25 Q. We may have asked a related question to

1 this, but for paragraph 76, what did Lieutenant
2 Salsbury do to authorize unlawful arrests?

3 A. I'm assuming he told people -- told
4 officers to arrest people that were out there.

5 Q. Is that an assumption or do you have
6 knowledge about that?

7 A. It says Defendant Salsbury authorized.

8 Q. Right. But that's your complaint.
9 Correct?

10 A. Yeah.

11 Q. And so what I'm wondering is -- and I'm
12 trying to drill down with everybody -- what's the
13 basis of knowledge for that, if you have some?

14 A. What do you mean?

15 Q. What personal knowledge do you have that
16 Lieutenant Salsbury authorized unlawful arrests?

17 A. Well, for one, we didn't have proper time
18 to, you know, disperse and oblige by -- I guess
19 oblige by the curfew. We were given -- I believe it
20 was, like, three minutes to leave where we were, and
21 we didn't have a clear path to leave so -- if I
22 remember correctly, when you are dispersing
23 protesters, you are supposed to leave, like, a clear
24 path for disperse -- for people to disperse and for
25 people to leave. And I don't feel like that was

1 done.

2 Q. What was Lieutenant Salsbury's role in
3 what you just described?

4 A. I'm not sure about his specific role
5 because I don't know the hierarchy of how, like, all
6 of the -- you know, the chain of command within the
7 police officers, you know. So I'm not exactly sure
8 his personal, like, actual entire involvement.

9 Q. What did Lieutenant Salsbury do to
10 unauthorize unlawful arrests via delegation?

11 A. I don't understand.

12 Q. You don't understand the question or --

13 A. Yeah.

14 Q. Well, it's again paragraph 76 of your
15 complaint. It says, in part, Lieutenant Salsbury
16 authorized unlawful arrests via delegation. Do you
17 see that?

18 A. Yeah.

19 Q. So I'm just trying to find out from you
20 what you think or you know that he did to do that.

21 A. Well, the events that happened that night
22 were pretty hazy. And I don't remember -- you know,
23 everyone had -- the officers had gas masks and stuff
24 on. So I couldn't identify Salsbury specifically,
25 so I don't know.

1 Q. Next page, paragraph 77. Could you just
2 read that to yourself.

3 A. Okay.

4 Q. So specific to paragraph 77, what did
5 Chief Skinner do to delegate authority to make
6 arrests?

7 A. I'm assuming, from my understanding, that
8 he authorized the arrests to be made.

9 Q. Who did he make that authorization to?

10 A. I have no idea.

11 Q. What did he say to make that
12 authorization?

13 A. I have no clue. I wasn't there with him.

14 Q. So is it an assumption, or do you have any
15 personal knowledge at all?

16 A. I would assume, since he is the head of
17 police, you know, the chief of police that that
18 would be his job to do so.

19 Q. And I really do want to drill down on
20 this. So you know that he is the chief of police.
21 Correct?

22 A. Uh-huh.

23 Q. Is that a yes?

24 A. Yes. Sorry.

25 Q. And you know that certain officers took

1 certain actions you disagree with that night.

2 Correct?

3 A. Yes.

4 Q. And all I'm trying to find out is if you
5 have personal knowledge about what the chief did in
6 between there to delegate or authorize those
7 officers to do the things you are complaining about.

8 A. Not specifics.

9 Q. Do you have any evidence that Lieutenant
10 Salsbury targeted you or did anything to you because
11 of protected speech activity?

12 A. Could you repeat that one more time?

13 Q. Sure. Do you have any evidence that
14 Lieutenant Salsbury targeted you or did anything to
15 you because of protected speech activity?

16 A. No evidence per se.

17 Q. What about for Chief Skinner? Same
18 question.

19 A. No.

20 Q. Why should a jury award punitive damages
21 against Lieutenant Salsbury?

22 A. What's punitive damages?

23 Q. Punitive damages are essentially damages
24 meant to punish a defendant for conduct.

25 A. Because the conduct was unlawful and

1 unconstitutional.

2 Q. Is that his conduct or others'?

3 A. What do you mean?

4 Q. Are you -- well, you said the conduct was
5 unlawful. So I'm asking, what you are describing,
6 was it Lieutenant Salsbury's conduct or others'
7 conduct?

8 A. I think it was just the general what was
9 going on at the time was not correct.

10 Q. But what I guess I'm interested in is for
11 whatever you think Lieutenant Salsbury did that
12 evening, why should a jury award punitive damages
13 against him personally?

14 A. Because he did those things, even if he
15 was ordered to. I mean, he's a police officer and
16 he should know the law and know, you know, how he
17 should be acting accordingly.

18 Q. I'll mark this as Exhibit 2.

19 (Deposition Exhibit Number 2

20 marked for identification.)

21 I've handed you your response to Defendant
22 Skinner's interrogatories. Do you see that?

23 A. Yes.

24 Q. Do you recognize this document at least
25 generally?

1 A. Yes.

2 Q. And if you turn to the third page, is that
3 your signature?

4 A. Yes.

5 Q. I'm going to ask you about Interrogatory
6 Number 1. And if you want to just read that to
7 yourself, and then let me know when you're done.

8 A. Okay.

9 Q. So for Interrogatory Number 1, is there
10 any other information that's responsive to this
11 interrogatory that exists that isn't listed here or
12 is otherwise covered by a privilege?

13 A. Not that I'm aware of, no.

14 Q. And so what information do you believe
15 Malik McClain has about the claims, defenses, and
16 issues set forth against Chief Skinner?

17 A. I'm not sure.

18 Q. What information do you believe Joshua
19 McKnight has about the issues, claims, and defenses
20 set forth against Chief Skinner?

21 A. I'm not sure of that as well.

22 Q. Do you know both of those individuals?

23 A. I know them through the process of this,
24 but not outside of that.

25 Q. Were they near you at the time of your

1 arrest?

2 A. Yes.

3 Q. And have you spoken to them about their
4 observations?

5 A. In what sense?

6 Q. About whether they observed your arrest.

7 A. I don't recall at the moment. I don't
8 think so.

9 Q. For Interrogatory Number 1, is there
10 anything you need to do to supplement this
11 interrogatory?

12 A. Not that I'm aware of.

13 Q. Why don't you read Interrogatory Number 2
14 -- it starts on that page and goes to the next --
15 and let me know when you're done -- and the
16 response.

17 A. Okay.

18 Q. Do you have any information responsive to
19 this interrogatory -- or does any information
20 responsive to this interrogatory exist that's not
21 covered by privilege?

22 A. Not that I'm aware of, no.

23 Q. We just spent some time earlier talking
24 about paragraph 28 in the Second Amended Complaint
25 which this interrogatory refers to. Correct?

1 A. I believe so.

2 Q. Yeah. Do you need to supplement your
3 response to this interrogatory?

4 A. Not that I'm aware of, no.

5 Q. Interrogatory Number 3, if you would take
6 a look at that.

7 A. Okay.

8 Q. And do you need to -- I believe we also
9 spent some time talking about paragraph 77 a minute
10 ago. Do you need to supplement your response to
11 Interrogatory Number 3 in any way?

12 A. Not that I'm aware of, no.

13 Q. And does any information -- well, I think
14 we asked you that so -- okay. I'll move on.
15 interrogatory Number 4, would you read that to
16 yourself and then let me know when you're done.

17 A. Okay.

18 Q. Do you need to supplement your answer to
19 Interrogatory Number 4 in any way?

20 A. No.

21 Q. So it remains true that force was not used
22 against you. Correct?

23 A. What do you mean by that?

24 Q. So in the answer to Interrogatory
25 number 4, the first sentence, would you read that

1 out loud for the record?

2 A. The answer?

3 Q. Yeah.

4 A. (Reading): Plaintiff Boudjerada does

5 not allege that force was used against him.

6 Paragraph 88 of the S.A.C. does not relate to

7 Plaintiff Boudjerada.

8 Q. So looking at the first sentence, it says

9 you don't allege that force was used against you.

10 Correct?

11 A. It says that. Yes.

12 Q. And does that remain true?

13 A. I mean, they used force against me and

14 everyone else.

15 Q. All right. You swore under penalty of

16 perjury that the answers you provided in this

17 interrogatory were true and correct. Right?

18 A. Yeah.

19 Q. And so is it true and correct, as you

20 swore to last month -- or March 9th, that you don't

21 allege force was used against you?

22 A. That would be correct, I guess. Yeah.

23 (Deposition Exhibit Number 3

24 marked for identification.)

25 BY MR. MILLER:

1 Q. I'll hand you what's marked as Exhibit 3.

2 A. How many are there, if you don't mind my
3 asking?

4 Q. I think four. Not too bad.

5 All right. This will be pretty close to
6 the same exercise because the answers, I think, to
7 most of these are the same. If you'd look at
8 Interrogatory Number 1 and read that to yourself and
9 let me know when you're done.

10 A. Okay.

11 Q. Do you need to supplement your response to
12 Interrogatory Number 1 in any way?

13 A. No.

14 Q. Does any information responsive to this
15 interrogatory exist that's -- other than what's
16 listed here that's not covered by privilege?

17 A. Not that I'm aware of, no.

18 Q. Interrogatory Number 2, if you would read
19 that to yourself and let me know when you're done.

20 A. Okay.

21 Q. Interrogatory Number 2 talks about
22 paragraph 76, which we talked about earlier in the
23 deposition. Looking at this interrogatory, do you
24 need to supplement your response in any way?

25 A. Not that I'm aware of.

1 Q. Does any information responsive to this
2 interrogatory exist that's not covered by privilege?

3 A. Not that I'm aware of.

4 Q. And Interrogatory Number 3, if you'd look
5 at that briefly.

6 A. Yeah.

7 Q. So do you need to supplement that answer
8 at all?

9 A. Not that I'm aware of.

10 Q. So it remains true. Correct?

11 A. Yeah.

12 (Deposition Exhibit Number 4
13 marked for identification.)

14 BY MR. MILLER:

15 Q. Okay. Handing you what's marked as
16 Exhibit 4. And I want to start with the -- well,
17 you recognize this as your response to the
18 Defendants' Requests for Production?

19 A. Yeah.

20 Q. I'm going to start with Request for
21 Production Number 1. And just read that to yourself
22 and let me know when you're done, the request and
23 the response.

24 A. Request and the response?

25 Q. Yeah. Just read it to yourself.

1 A. Okay.

2 Q. All right. So the response indicates, the
3 second part of it, that there are no responsive
4 documents beyond those already produced in discovery
5 by all the parties. Do you see that?

6 A. Yes.

7 Q. Can you be more specific about what
8 documents that have been produced respond or
9 correspond to this RFP?

10 A. What do you mean by that?

11 Q. So there's been probably over 9,000
12 documents produced to date, and the federal rules
13 require you to organize and label documents to
14 correspond to categories and requests. And what I'm
15 wondering is out of those 9,000 documents, which
16 ones are responsive to Request for Production
17 Number 1, if you know?

18 A. I wouldn't know the specifics.

19 Q. Can you tell me at all even what you are
20 thinking of that would be responsive to what was
21 requested in Request Number 1?

22 A. As far as, like, records, photographs,
23 recordings, and things like that?

24 Q. Yeah.

25 A. I would assume just the live feed on

1 Facebook. That's about it that I can think of off
2 the top of my head.

3 Q. Other than documents that have been
4 produced, do any other documents responsive to this
5 request exist that are not covered by privilege?

6 A. Not that I'm aware of.

7 Q. And I don't want to know the substance of
8 them, but do any documents exist that are
9 attorney-client communications or work product that
10 are responsive to the request, just the existence of
11 them?

12 A. I'm -- I don't understand the question.

13 Q. Sure. So it says in the first part of the
14 response "other than privileged attorney-client
15 communications and work product which Plaintiff
16 objects to producing." Do you see that?

17 A. Number 1?

18 Q. Number 1, response.

19 A. Okay.

20 Q. And so my question is -- because I didn't
21 get a privilege log that lists out anything, are you
22 aware whether there -- privileged documents
23 responsive to this request actually exist or not?

24 A. I couldn't tell you at the moment.

25 Q. Requests, it looks like, 2 through 7 have

1 the same response, although they ask for different
2 things. I'd like you to read those to yourself, and
3 then I'll try to combine it and ask about it.

4 A. You said 2 through 7?

5 Q. Yeah.

6 A. Okay.

7 Q. Okay?

8 A. Okay.

9 Q. So for each of these responses in 2
10 through 7, it indicates there's no responsive
11 documents beyond those already produced in discovery
12 by all the parties. Do you see that?

13 A. Yes.

14 Q. And like the first one, my question for 2
15 through 7 is: What documents are you referring to
16 that are responsive to our RFP 2 through 7?

17 A. Could you repeat that one more time?
18 Sorry.

19 Q. My question is: In RFP 2 through 7, your
20 response says it's documents that have already been
21 produced in discovery. Right?

22 A. Yeah.

23 Q. And I'm trying to narrow down, if you can
24 tell me, what documents already produced in
25 discovery are responsive to Requests 2 through 7.

1 A. I couldn't tell you the specifics.

2 Q. Do any documents responsive to Requests 2
3 through 7 exist that are not covered by privilege or
4 have not already been produced?

5 A. Not that I'm aware of.

6 Q. And 2 through 7 also indicate -- like we
7 talked about on 1 -- that you are objecting to
8 producing privileged attorney-client communications
9 and work product. Do you see that in the response
10 to each?

11 A. One more time?

12 Q. Yeah. 2 through 7 indicate that you are
13 objecting to producing privileged attorney-client
14 communications and work product. Do you see that?

15 A. Yes.

16 Q. And so the question -- I don't want to
17 know the content of any of it -- but do privileged
18 attorney-client or work product documents that are
19 responsive to Requests 2 through 7 exist, to your
20 knowledge?

21 A. I'm kind of confused on that question.
22 Sorry.

23 Q. That's okay. We can break it down. We
24 are looking at the response that you have on RFPs 2
25 through 7. Each response is identical. Correct?

1 A. Looks like it. Yeah.

2 Q. Each of them begin with saying other than
3 privileged attorney-client communications or work
4 product, which you -- which Plaintiff objects to
5 producing. Do you see where it says that?

6 A. Yeah.

7 Q. For each of them?

8 A. Yeah.

9 Q. And all I'm trying to determine is whether
10 you know whether there are actually privileged
11 documents that exist or not.

12 A. Would a privileged document be something
13 that -- like, one of the Facebook, like, streams
14 that I had or -- would that be one of them?

15 Q. What you've listed in your response is
16 privileged attorney-client communications and work
17 product. So I'm assuming --

18 A. Other than --

19 Q. Right.

20 A. Sorry. Yeah. So no.

21 Q. So you're -- I just want to be clear for
22 the record. So you are not aware of any
23 documents --

24 A. Yeah.

25 Q. -- responsive -- there we go.

1 A. Sometimes the wording is a little
2 difficult.

3 Q. I know. Number 8, if you would just read
4 that to yourself.

5 A. Okay.

6 Q. So this was asking basically for media
7 devices that you may have had to document some of
8 the events from that weekend. My understanding is,
9 from the prior deposition, that the phone that you
10 had at the time no longer exists. Correct?

11 A. Yeah.

12 Q. And is that still the case?

13 A. Yeah.

14 Q. I just want to make sure you haven't found
15 it or anything.

16 A. Okay

17 Q. And there wasn't -- you didn't find
18 another device that would be responsive?

19 A. No.

20 Q. So Request 9, if you could read that, and
21 the response, to yourself and let me know.

22 A. Okay.

23 Q. So I know that we have the video that you
24 provided, I think after the deposition, that you
25 took --

1 A. Yeah.

2 Q. -- of events prearrest and then a video of
3 sort of the events -- marching and leading to the
4 arrest. Correct?

5 A. Yeah.

6 Q. So those two. And I know that there
7 are -- we know that there is a video from the
8 body-worn cameras and others of the officers.
9 Correct?

10 A. Yeah.

11 Q. Those are all from May 31st, 2020.
12 Correct?

13 A. Yes.

14 Q. So do photographs or video of you from the
15 other days in this request, the 29th, the 30th, or
16 June 1st of 2020, do those even exist?

17 A. Not that I'm aware of, no.

18 Q. Go ahead and move to 10 on the next page.
19 Let me know when you're done reading that.

20 A. Okay.

21 Q. So this request was asking for photographs
22 or videos of gathering or activities on May 29th
23 through June 1st, 2020. And we just went through
24 the videos that I know you have and produced. My
25 question is: Are you aware whether in your

1 possession other photographs or videos of gatherings
2 or activities on May 29th, 30th, or June 1st exist?

3 A. Not that I'm aware of at the moment.

4 Q. Request Number 11, if would you read that
5 to yourself.

6 A. Okay.

7 Q. We had asked about electronic messages
8 sent or received by you between those dates earlier.
9 And I don't believe you were able to locate any
10 with -- the request doesn't say none exist, so I
11 just need to know. Are you aware of any responsive
12 electronic messages sent or received by you between
13 May 29th and June 1st, 2020, concerning basically
14 the events of this lawsuit?

15 MS. DUGAN: I'm going to object. It
16 goes outside the scope of the extended discovery.

17 You can answer.

18 A. I'm not sure how to answer that.

19 BY MR. MILLER:

20 Q. Sure. Well, is there a way I can help you
21 clarify it?

22 A. Can you ask the question again? Sorry.

23 Q. Well, it's -- I mean, the question really
24 is -- if you look at number 11, we are asking for
25 electronic messages, so text messages, messages on

1 various different types of apps that you either sent
2 or received between these dates, May 29th and
3 June 1st, 2020, that concern the events for which
4 Chief -- Lieutenant Salsbury or Officer Wright were
5 responsible to or -- responding to or responsible
6 for. And when I'm using those terms, what I'm
7 describing are either the curfews or the police
8 response that had to occur on those dates. Does
9 that help you answer whether any messages exist?

10 A. Not that I'm aware of at the moment, no.

11 Q. Okay.

12 A. I can produce them if I find it.

13 Q. Have you looked to see whether you have
14 any responsive text message -- text or other
15 electronic messages?

16 A. Not specifically concerning this, no.

17 Q. So for Request 11, you didn't check to see
18 whether you had anything?

19 A. No, I did, but I -- you know, it's hard to
20 look for a lot of stuff like that. I don't know. I
21 didn't find anything that was, like, specifically
22 relative to this.

23 Q. Do you remember how you did your search?

24 A. Well, I mean, I couldn't go through my old
25 phone because it broke. I wasn't on Facebook -- I

1 wasn't messaging through Facebook so I don't have
2 any messages on there. I can't think of anything
3 that I would have. I didn't really text anyone
4 since I left the house.

5 Q. And so, because I've got a couple of
6 different answers here, I just want to drill down on
7 this. So you did conduct a search for responsive
8 electronic messages to number 11, or you didn't
9 because you thought about it and decided you didn't
10 have anything that could be responsive?

11 A. I just didn't have access to be able to
12 look through the device that would have had it if I
13 had. But I don't remember having any communications
14 specifically on that day, no.

15 Q. Numbers 12 and 13 ask about electronic
16 messages sent for -- for other purposes. If your
17 answer would be the same, that you don't think you
18 communicated and so there wouldn't be anything
19 responsive, would you let me know?

20 A. You said 12 and 13?

21 Q. Yeah. You can read them to yourself.
22 It's just --

23 A. Okay.

24 Q. So the question is -- I mean, again, we
25 are asking for electronic messages from that date

1 range. Are you aware whether any exist that are
2 responsive to RFP 12 or 13?

3 A. No.

4 Q. Other than what we discussed, do you have
5 any nonprivileged information about Lieutenant
6 Salsbury's actions from May 31st, 2020?

7 A. Not that I'm aware of, no.

8 Q. Other than what we discussed, do you have
9 any nonprivileged information about Chief Skinner's
10 actions on May 31st, 2020?

11 A. Not that I'm aware of.

12 Q. What did you do to prepare for the
13 deposition today?

14 A. I talked to my attorney.

15 Q. I don't want to know what she said or you
16 talked about. But other than speaking with her, did
17 you speak to anybody else about the deposition?

18 A. No. I mean, I just told them that I was
19 going to it. But that's it.

20 Q. Did you speak to Mr. Hendry outside the
21 presence of your attorneys?

22 A. No.

23 Q. Did you text or message with Mr. Hendry?

24 A. No.

25 Q. Did you review any documents to prepare

1 for your deposition?

2 A. Briefly looked over a couple of these.

3 Q. And when you say a couple of these, do you
4 mean some of the exhibits we've put in front of you?

5 A. Yes.

6 Q. Did you look at any other documents that
7 weren't exhibits that we put in front of you?

8 A. Not that I'm aware of, no.

9 Q. I know that your claim is not against him,
10 but have you ever met Officer Craig Wright?

11 A. No.

12 Q. And have you ever spoken with Officer
13 Wright?

14 A. No.

15 Q. Have you ever heard him speak?

16 A. No.

17 Q. Do you have any personal information about
18 his actions on May 31st, 2020?

19 A. No.

20 MR. MILLER: Let's go off the record
21 for a second.

22 (Off-the-record discussion.)

23 BY MR. MILLER:

24 Q. If you look at Exhibit 1 and turn to
25 page 18. If you would look at paragraph 94 and just

1 read that to yourself.

2 A. Okay.

3 Q. All right. So in part -- I'll break it
4 down. It says (reading): Regarding the
5 city-wide curfew, it didn't provide for an
6 exception for people who were trying to get
7 home.

8 Do you see that?

9 A. Yes.

10 Q. And what do you believe required the City
11 to provide for such an exception?

12 MS. DUGAN: Objection. This goes
13 outside the scope of the existing discovery
14 extension.

15 You can answer the question.

16 MR. MILLER: Paragraph 94 is a new
17 paragraph.

18 BY MR. MILLER:

19 Q. So what do you believe required Medary or
20 Skinner to provide such an exception?

21 A. What do you mean by that?

22 Q. Well, you read in 94, it says --

23 A. Yeah. They did not allow adequate notice.

24 Q. Well, I'm looking at the first part where
25 it says neither Medary nor Skinner provided for an

1 exception for people who were trying to get home.

2 A. Yes.

3 Q. Do you see that?

4 A. Yes.

5 Q. Did I read what's in your complaint?

6 A. Yes.

7 Q. And what I'm asking you, if you know, is
8 what would have required Medary or Skinner to have
9 to provide for such an exception?

10 A. What do you mean by required?

11 Q. Well, you are complaining, in part --
12 you're taking issue with the fact that they didn't
13 provide for it.

14 A. Yes.

15 Q. And so what I'm trying to understand, if
16 you know, is what is the source of the requirement
17 that they had to do that?

18 A. I don't remember the specific laws, but
19 from my understanding they are supposed to give
20 ample time for protesters to disperse and an
21 unobstructed, you know, pathway for them to be able
22 to disperse.

23 Q. But this is talking about an exception to
24 the curfew for people who were trying to do a
25 specific act, to get home. Right?

1 A. Yeah.

2 Q. That's a little bit different than what
3 you just described. Correct?

4 A. Yeah. Well, it's, like, at first it was a
5 protest. And then after that they incited the
6 curfew and then everyone was trying to disperse and
7 leave, but weren't given the opportunity to do so.

8 Q. I'll try to ask it as directly as I can.
9 And I'm not looking for a legal conclusion. But are
10 you aware of a law that required -- a law or rule or
11 regulation that required Chief Skinner to provide an
12 exception for people whole were trying to get home?

13 A. Not specifically.

14 Q. And the next part of that indicates you
15 take issue that they did not allow adequate notice
16 of the curfew. Do you see that?

17 A. Yes.

18 Q. When you say adequate notice of the curfew
19 as used in this paragraph, what do you mean?

20 A. Three minutes isn't enough time for me to
21 get home.

22 Q. And this is adequate notice of the curfew
23 coming into -- into place.

24 A. Uh-huh.

25 Q. Right?

1 A. Yeah.

2 Q. So what is adequate notice?

3 A. I would imagine that adequate notice would
4 probably be enough time for someone to get from one
5 side of town to another, not a couple of minutes.

6 Q. Do you have an estimate as to that amount
7 of time?

8 A. 20-ish minutes.

9 Q. And the last part of 94 talks about
10 adequate time for people to comply by getting home.
11 Do you see that?

12 A. Uh-huh.

13 Q. Yes? Is that a yes?

14 A. Yes.

15 Q. Is that what you just described? Is that
16 the same thing?

17 A. What I described as adequate time? Yeah.

18 Q. All right. So adequate notice and
19 adequate time, do those mean essentially the same
20 thing?

21 A. I believe so, yeah.

22 MR. MILLER: Those are all the
23 questions I have for you. Thank you.

24 (The deposition was
25 concluded at 3:47 p.m.)

1 State of Oregon)
2 County of Lane) ss.

3
4 I, Eleanor G. Knapp, CSR-RPR, a Certified
5 Shorthand Reporter for the State of Oregon, certify
6 that the witness was sworn and the transcript is a
7 true record of the testimony given by the witness;
8 that at said time and place I reported all testimony
9 and other oral proceedings had in the foregoing
10 matter; that the foregoing transcript consisting of
11 38 pages contains a full, true, and correct
12 transcript of said proceedings reported by me to the
13 best of my ability on said date.

14 If any of the parties or the witness requested
15 review of the transcript at the time of the
16 proceedings, such correction pages are attached.

17 IN WITNESS WHEREOF, I have set my hand this 17th
18 day of May 2022, in the City of Eugene, County of
19 Lane, State of Oregon.

20

21



22 Eleanor G. Knapp, CSR-RPR

23 CSR No. 93-0262

24 Expires: September 30, 2023

25